

Duty Statement

Department of Managed Health Care

CLASSIFICATION: Attorney	POSITION: 409-111-5778-064	
WORKING TITLE: Legal Counsel I	OFFICE: Office of Plan Licensing	EFFECTIVE DATE: DATE APPROVED:

DEPARTMENT OBJECTIVE:

The mission of the California Department of Managed Health Care (DMHC) is to protect consumers' health care rights and ensure a stable health care delivery system. The DMHC accomplishes its mission by ensuring the health care system works for consumers. The Department protects the health care rights of more than 27.7 million Californians by regulating health care service plans, assisting consumers through a consumer Help Center, educating consumers on their rights and responsibilities and preserving the financial stability of the managed health care system.

PROGRAM OBJECTIVE:

The role of the Office of Plan Licensing (OPL) is to provide timely review of new license applications, material modifications, amendments and other filings to ensure that plan documents and materials comply with applicable state and federal laws and regulations. OPL also provides timely assistance to other DMHC offices in the development and communication of DMHC policy and legal positions.

GENERAL DESCRIPTION:

Under the direction of the Assistant Chief Counsel, the Attorney in the OPL performs sensitive legal work of average difficulty for the DMHC relating to health care service plans. Duties include reviewing transactional documents, legal compliance issues and conducting legal research in connection with the administration and regulation of health plans pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Act) and the implementation of Federal Health Care Reform.

TYPICAL DUTIES:

Employee must be able to perform the following duties with or without reasonable accommodation.

PERCENTAGE JOB DESCRIPTION

Essential (E)/Marginal (M)

50% (E) Review health plan filings including applications, amendments, notices of material modification, reports and transactional documents submitted pursuant to the Act or federal health care reform for compliance with appropriate law. Participate in stakeholder meetings and filing conferences with applicants, licensees and other DMHC offices. Review contract changes required for providers and administrative service contracts; analyze and assess Evidence of

Coverage and disclosure forms; evaluate benefits; and review subscriber contracts and disclosures, advertising and other marketing documents. Communicate and coordinate with other divisions regarding issues in filings under their purview.

- 30% (E)** Research and analyze federal and state laws and regulations regarding the Department's administration of the Act, federal and California health care reform, including Covered California issues and prepare written findings of that research. Evaluate and implement the impact on licensee operations of the Act and relevant provisions of other California Codes especially the Government Code, Business and Professions Code, Corporations Code, Welfare and Institutions Code and non-Act provisions of the Health and Safety Code. Draft written communications to colleagues, division managers and supervisors, external stakeholders and other persons as necessary. Provide information regarding plan licensure as requested by DMHC management.
- 15% (E)** Assess new or proposed legislation and draft legal and fiscal analyses of the implementation of proposed or new legislation. Prepare legislative analyses to identify where issues intersect with the application of rules or statutes relating to the effective implementation of plan issues. Draft proposals to implement, interpret and provide guidance to DMHC management regarding statutes and regulations.
- 5% (M)** Participate in internal and external departmental workgroups related to compliance issues. Research and gather data pertaining to filing review.

SUPERVISION EXERCISED OVER OTHERS:

This position does not supervise others; may act as a subject matter expert on specific topics and workgroups.

KNOWLEDGE, ABILITIES AND ANALYTICAL/SUPERVISORY REQUIREMENTS:

The employee should be familiar with DMHC mission, goals, organizational structure and major work programs; demonstrate a positive attitude and a commitment to conduct business in a professional manner in dealing with the public and department clients; provide quality customer service to all customers; and deal tactfully, professionally and confidentially with all internal and external customers and contacts.

In addition, the employee must:

Have knowledge of legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced.

Have ability to research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, rulings,

regulations, and legislation; negotiate effectively; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure.

CONSEQUENCE OF ERROR/RESPONSIBILITY FOR DECISIONS:

The employee may have access to very sensitive and confidential information. Careless, accidental or intentional disclosure of information to unauthorized persons may have far-reaching effects, which may result in civil or criminal action against those involved.

PHYSICAL, MENTAL AND EMOTIONAL REQUIREMENTS:

Employees may be required to sit for long periods of time using a keyboard and video display terminal or traveling in a vehicle to other locations; must be able to organize and prioritize their work under deadline situations and adapt behavior and work methods in response to new information, changing conditions or unexpected obstacles; will be involved with sustained mental activity needed for analysis, reasoning and problem solving; must be able to develop and maintain cooperative working relationships, recognize emotionally charged issues, problems or difficult situations and respond appropriately, tactfully and professionally; and must be able to work independently. The employee must be able to create/proactively support a work environment that encourages creative thinking and innovation; understand the importance of good customer service and be willing to develop productive partnerships with managers, supervisors, other employees, and, as required, control agencies and other departments.

WORK ENVIRONMENT:

The employee will work in a climate-controlled building under artificial lighting. There will be occasional fluctuations in temperature. The employee will work in an office or cubicle and will periodically attend meetings and/or training within and outside of OPL. The employee will work in and/or visit offices located in a high rise building accessed through elevators.

POSITION REQUIREMENTS:

This position requires the incumbent maintain consistent and regular attendance; communicate effectively (orally and in writing) in dealing with the public and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools and equipment; complete assignments in a timely and efficient manner; and, adhere to departmental policies and procedures regarding attendance, leave and conduct.

ADDITIONAL REQUIREMENTS:

This position is required under the DMHC's Conflict of Interest Code to complete and file a Form 700 within 30 days of appointment and annually thereafter.

SIGNATURES:

The statements contained in this duty statement reflect details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise to balance the workload.

Employee: I have read and understand the duties listed above and can perform them with/without Reasonable Accommodation. *If you believe you may require Reasonable Accommodation, please discuss this with the hiring supervisor. If you are unsure whether you require Reasonable Accommodation, inform the hiring supervisor, who will discuss your questions and/or concerns with the Reasonable Accommodation Coordinator.*

Supervisor: I have discussed the duties with and provided a copy of this duty statement to the employee named above.

EMPLOYEE NAME (PRINT)		SUPERVISOR NAME (PRINT)	
Employee's Signature	Date	Supervisor's Signature	Date